

United States District Court District of Massachusetts

NATIONWIDE MUTUAL
INSURANCE COMPANY,
Plaintiff,

V.

CIVIL ACTION NO. 2008-11073-NG

SPINAL IMAGING, INC., ET AL.,
Defendants.

ORDER ON DEFENDANT SPINAL IMAGING, INC.'S MOTION TO COMPEL FURTHER INTERROGATORY ANSWERS (#93)

COLLINGS, U.S.M.J.

The Court takes the following action on Defendant, Spinal Imaging, Inc.'s,
Motion to Compel Further Interrogatory Answers (#93):

Interrogatories ## 2, 3:

ALLOWED only to the extent that the plaintiff shall as necessary supplement the automatic disclosures it made pursuant to Rule 26(a)(1)(A)(I), Fed. R. Civ. P., so that the defendants know the names, addresses and

telephone numbers of all persons who have discoverable information and the subject matter of that information. At this stage, the plaintiff may well not have decided what witnesses to call at trial, but there should be no witness who will be called who has not been identified in these responses; otherwise, DENIED.

Interrogatories ## 4, 5: DENIED; the plaintiff is not required to disclose persons having information about the defendants' defenses or counterclaims.

Interrogatories ##6, 7: DENIED.

Interrogatory # 8, 9: ALLOWED to the extent that the plaintiff shall provide answers at the same time as it serves its expert reports; otherwise, DENIED.

Interrogatory #10: ALLOWED; the objections are OVERRULED. The statement that the documents "speak for themselves" is not responsive to the interrogatory.

Interrogatory #11: ALLOWED to the extent that the plaintiff shall state whether they had at the applicable times a computer or other system which would have the function described; otherwise, DENIED.

Interrogatory #12: ALLOWED to the extent that the plaintiff shall answer this contention interrogatory through the word "wrong"; otherwise, DENIED.

Interrogatories ##13, 14, 15, 16, 17, 18, 19, 20, 21: DENIED.

Interrogatory #22: ALLOWED.

Interrogatories #23, 24 & 25: DENIED.

To the extent that the motion has herein been allowed, the plaintiff is

ORDERED, pursuant to Rule 37(a)(2), Fed. R. Civ. P., to serve further answers
on or before the close of business on April 5, 2010.

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

March 22, 2010.